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IN THE

Supreme Court of The United States

October Term, 1974

No. 73-1471

UNITED STATES OF AMERICA AND FEDERAL COMMUNICATIONS COMMISSION, Petitioners

v.

NEW JERSEY STATE LOTTERY COMMISSION, Respondent

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

AMICUS CURIAE BRIEF OF THE GOVERNMENT OF THE VIRGIN ISLANDS IN SUPPORT OF THE NEW JERSEY STATE LOTTERY COMMISSION

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Your amicus is a territory that operates a lottery under the provisions of the Virgin Islands Code Annotated, Title 32, Sections 242-260 (1973 Supp.) This lottery is, in essential respects, similar to the New Jersey lottery so far as concerns the applicability of 18 U.S.C. 1304 and the regulations of the Federal Communications Commission to the broadcasting of information having news value relating to the operation of the lottery. The Memorandum Opinion and Order of the Commission which is the

subject of this proceeding, if sustained, would adversely affect the Government of the Virgin Islands in the operation of its lottery. The Virgin Islands submit that the Commission's Memorandum Opinion and Order are based in the first instance on a mistaken interpretation that 18 U.S.C. 1304 authorizes the Commission to prohibit a broadcast frequency licensee from announcing the winning lottery number as a news item in a regular news broadcast, and would, if given effect, result in substantial detriment to the legitimate interests of the Virgin Islands.

The Government of the Virgin Islands is familiar with the reasons advanced on behalf of the Respondent New Jersey State Lottery Commission in this matter, and join in Respondent's statement of these reasons and submit that the judgment of the United States Court of Appeals for the Third Circuit should be affirmed.

Respectfully submitted,

AMICUS CURIAE
Government of the Virgin Islands

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October 3, 1974

CERTIFICATE OF SERVICE

I, Henry L. Feuerzeig, attorney for the Government of the Virgin Islands, Amicus Curiae, certify that on October 4, . . . , 1974, three copies of the foregoing Amicus Curiae brief were mailed, via U.S. mail, air mail, postage prepaid, to William F. Hyland, Attorney General, State of New Jersey, State House Annex, Trenton, New Jersey 08625; Robert H. Bork, Solicitor General, Department of Justice, Washington, D.C. 20530; Ashton R. Hardy, General Counsel, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554; Warren B. Rudman, Attorney General, State of New Hampshire, State House Annex, Concord, New Hampshire 03301, and a copy to Robert K. Killian, Attorney General, State of Connecticut, 30 Trinity Street, Hartford, Connecticut 06115.

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